

HOW TO ASK THE APPELLATE COURT TO PARTICIPATE IN AN APPEAL FOR FREE

Who can ask the court to participate in an appeal for free?

Anyone who must pay a fee in the appellate court as part of an appeal can ask the court to participate for free. You can ask for yourself, your minor child, or an incompetent adult, but not for anyone else. **NOTE:** a circuit court fee waiver does not apply to fees owed to the appellate court.

How will I know if there are fees for filing documents in the appellate court?

The Appellate Clerk can tell you if there is a fee for filing a document with the court. [Supreme Court Rule 313](#) requires the person who filed an appeal to pay a \$50 fee. Rule 313 requires all other parties to pay a \$30 fee.

What forms do I need to fill out to ask the appellate court to let me participate in an appeal for free?

There are two forms:

- ***Application for Waiver of Court Fees (Appellate Court)***: to give your income and expense information to the court so it can decide if you can participate in an appeal for free.
- ***Order for Waiver of Court Fees (Appellate Court)***: to be used by the court to say your application is granted or denied.

Where can I find the forms I need?

- You can find forms at: www.illinoiscourts.gov/Forms/approved/.
- You can also ask the Appellate Clerk for a copy.

When do I have to file an *Application for Waiver of Court Fees*?

- At the time you file your first document with the appellate court, you must file a completed *Application for Waiver of Court Fees*.
- It might take the appellate court a couple of weeks to review your application and decide whether you have to pay the appellate court fees, so do not wait until the last minute.

Do I have to pay a fee to file an *Application for Waiver of Court Fees*?

No, there is no cost for filing an *Application for Waiver of Court Fees*.

Do I have to file an *Application for Waiver of Court Fees* each time I want to file something?

No. Once the appellate court grants an *Order for Waiver of Court Fees*, you do not have to fill out another application during the appeal. However, if you file another case with the appellate court, you will need to file a separate *Application for Waiver of Court Fees* for the other appeal.

What do I do after I fill out the *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees*?

Step 1 – File your forms with the Appellate Clerk.

- You must file your forms with the appellate court where your appeal will be heard. Your appeal will be heard in the appellate court district where the trial court that ruled on your case is located. See this interactive map to determine which appellate court your appeal should be filed in: www.illinoiscourts.gov/AppellateCourt/DistrictMap.asp
- The address for the appellate court for your appeal may be on the court papers you received. You can also find the address at: www.illinoiscourts.gov/AppellateCourt/default.asp.
- Make a copy of the completed *Application for Waiver of Court Fees* for yourself.
- File your forms with the Appellate Clerk in person or by mail.
- You will also need to file in person or mail any other forms you are planning to file, such as Docketing Statement, Motion, or Brief when you file your *Application for Waiver of Court Fees*. You can find these forms at: www.illinoiscourts.gov/Forms/approved/
- How to File in Person
 - Go to the appellate court in the district where your appeal has been filed.
 - Give the Appellate Clerk your original forms and the copies to stamp.
 - The Appellate Clerk will keep the original forms and give back your copies.
- How to File by Mail
 - Mail your original forms and one copy to the Appellate Clerk in the district where your appeal has been filed.
 - Include the *Letter to the Appellate Clerk* found at: www.illinoiscourts.gov/Forms/approved/.

Step 2 – Wait for a decision.

- The appellate court will review your *Application for Waiver of Court Fees* and decide whether you have to pay the appellate court fees.
- The appellate court may need more information from you. The appellate court will notify you if you need to give more information or go to court.
- After the court makes a decision, the court will fill out the *Order for Waiver of Court Fees*. The *Order for Waiver of Court Fees* will show if you have to pay court fees. The Appellate Clerk will mail you a copy of the *Order*.